

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID S. WILLIAMS and CHRISTINE  
L. WILLIAMS,

Plaintiff,

V.

WELLS FARGO BANK, N.A.;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS INC.;  
QUALITY LOAN SERVICE CORP. OF  
WASHINGTON,

## Defendants.

CASE NO. C10-5880BHS

ORDER GRANTING  
DEFENDANT QUALITY LOAN  
SERVICE CORP. OF  
WASHINGTON'S MOTION TO  
DISMISS ALL CLAIMS WITH  
PREJUDICE

This matter comes before the Court on Defendant Quality Loan Service Corp. of Washington's Motion to Dismiss (Dkt. 54). The Court has considered the pleadings filed in support of, and in opposition to, the motion and the remainder of the file. For the reasons set forth herein, the Court grants the motion.

## I. PROCEDURAL AND FACTUAL HISTORY

2 The Court has described the facts critical to the resolution of this motion in its  
3 Order Granting In Part and Denying in Part Wells Fargo Bank, N.A. and Mortgage  
4 Electronic Registration Systems, Inc.’s Motion for Dismissal of All Claims With  
5 Prejudice (Dkt. 65) (“Wells Fargo and MERS Order of Dismissal”), issued on the same  
6 date as the instant order.

## II. DISCUSSION

8 Quality Loan Service moves for dismissal of all claims on grounds that Plaintiffs  
9 have not alleged any facts supporting any viable cause of action. The Court agrees. The  
10 Court will not speculate what allegations, if any, relate to Quality Loan Service in the  
11 amended complaint, nor will the Court address each stated claim to ascertain whether any  
12 implicate Quality Loan Service. At best, given the tenor of the amended complaint, it  
13 appears that Plaintiffs list Quality Loan Service as a defendant namely for its role in the  
14 foreclosure process, which Plaintiffs seek to enjoin. But as explained in the Wells Fargo  
15 and MERS Order of Dismissal (Dkt. 65), the Court finds that there is no merit to those  
16 allegations. The Court denied Plaintiffs claim for quiet title, slander of title, and  
17 declaratory and injunctive relief. Accordingly, the Court grants Quality Loan Service's  
18 motion. *See Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990) (a  
19 complaint may be dismissed pursuant to CR 12(b)(6) based "on the lack of a cognizable  
20 legal theory or the absence of sufficient facts alleged under a cognizable legal theory").

### III. ORDER

2 Therefore, it is hereby **ORDERED** that Defendant Quality Loan Services Corp. of  
3 Washington's Motion to Dismiss All Claims With Prejudice is **GRANTED**.

4 Dated this 10<sup>th</sup> day of January, 2012.

  
BENJAMIN H. SETTLE  
United States District Judge